

**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 571-272-9797 Fax: 571-273-0042

Paper No. *4114*
Entered October 27, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

TAKESHI MATSUSHITA and
HIROSHI TAYANAKA
Junior Party
(Patent 5,811,348)¹

FAXED

Oct 27 2005

v.

KIYOFUMI SAKAGUCHI and
TAKAO YONEHARA
Senior Party
(Application 09/161,774)²

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,263

Before SCHAFER, LEE, and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 08/595,382, filed February 1, 1996. The real party in interest is Sony Corporation.

² Filed September 29, 1998. Accorded the benefit of Application 08/863,717, filed May 27, 1997; Application 08/401,237, filed March 9, 1995; Japanese Application 7-045441, filed March 6, 1995; and Japanese Application 6-039389, filed March 10, 1994. The real party in interest is Canon Kabushiki Kaisha.

Interference No. 105,263
Matsushita v. Sakaguchi

Junior party Matsushita filed a paper conceding priority to the senior party as to the subject matter of the count. (Paper No. 29) Junior party Matsushita also filed Substantive Motion 1 seeking to designate its involved claims 6, 7 and 9 as not corresponding to the count. The motion has been denied. (Paper No. 40) The concession of priority is treated as a request for entry of adverse judgment. The request is herein granted.

It is

ORDERED that judgment as to the subject matter of Count 1 is entered against junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA;

FURTHER ORDERED that junior party TAKESHI MATSUSHITA and HIROSHI TAYANAKA is not entitled to its patent claims 1-7 and 9-11 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

Interference No. 105,263
Matsushita v. Sakaguchi

/ss/ Richard E. Schafer
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
)
)
 /ss/ Jameson Lee)
JAMESON LEE)
Administrative Patent Judge)
)
)
 /ss/ James T. Moore)
JAMES T. MOORE)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,263
Matsushita v. Sakaguchi

By Facsimile:

Counsel for Junior Party Matsushita:

312-876-7934 (Fax)
David R. Metzger, Esq.
SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station
Sears Tower
Chicago, Illinois 60606-1080

Counsel for Senior Party Sakaguchi:

212-218-2200 (Fax)
Anthony M. Zupcic, Esq.
FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800

INTERFERENCE DIGEST

Interference No. 105,263

Paper No. 13

Name: Kiyofumi Sakaguchi et al.

Serial No.: 09/161,774

Patent No.

Title: Process for production of semiconductor substrate

Filed: 09/29/98

Interference with Matsushita et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, ~~10/27/25~~ Dated, 10/27/25

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.